TRINIDAD AND TOBAGO SURVEY ACT

CHAPTER 60:01

Act
29 of 1939
Amended by
16 of 1962

Current Authorised Pages

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1–10	..

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 60:01

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ARRANGEMENT OF SECTIONS

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CHAPTER 60:01

TRINIDAD AND TOBAGO SURVEY ACT

1950 Ed.
Ch. 27. No. 3.
29 of 1939.

An Act relating to the Survey of Trinidad and Tobago.

Commencement.

[21ST DECEMBER 1939]

Short title.

1. This Act may be cited as the Trinidad and Tobago Survey Act.

Interpretation.

2. In this Act "authorised officer" in relation to any of the purposes of this Act, means a public officer designated in writing for the purpose by the Minister.

Power to enter lands.

3. Any surveyor designated in writing by the Minister, and any other person acting in aid and under the orders of any such surveyor so designated may from time to time, after three days' notice in writing of his or their intention of entering has been given to the owner or occupier, as the case may be, at any time enter into or upon any private land of any person for the purpose of carrying any meridian, boundary or other line which he considers necessary through such land, and for the purpose of cutting sightways or traces, or for the purpose of making and carrying out any survey authorised by this Act or by order of the Minister, and for the purpose of fixing any mark or object to be used in the survey, or any beacon, post, stone or boundary mark whatsoever, and may carry such line, cut such sightways or traces, fix and place any such object, beacon, post, stone or boundary mark on any such private land, and may dig up any ground for the purpose of fixing any such object, beacon, post, stone or boundary mark for such object or purpose.

Damage caused by surveyors.

4. Every surveyor designated as mentioned above by the Minister for the purposes of this Act, and his assistants, shall, in the exercise of the several powers vested in him by this Act, do as little damage as may be, and shall make satisfaction to the owners or occupiers, as the case may require, of such lands or owners of trees which are in any way hurt, damaged or injured, for all damages sustained by them in or by the execution of all or any of the powers given by this Act, in case the same is demanded.

Settlement of disputes.

5. In case of dispute between the surveyor and the owner or occupier as to the amount of damage sustained, the same shall be ascertained and determined on the complaint or information of such owner or occupier by the Magistrate of the district in which the lands or trees are situated. In any such case the decision of the Magistrate shall be final.

Authorised officer to attend surveyor on notice.

6. For the purpose of surveying, ascertaining and marking out the reputed public boundaries, whether natural or artificial, of any quarter, ward or county, the surveyor may, by notice in writing under his hand, and directed and delivered to any authorised officer, require the attendance of any such authorised officer in or for every such quarter, ward or county, or in or for any adjoining ward, either in the same or any adjoining ward, at such time, not being less than twenty-one days after the date of such notice, at such place as may be specified in such notice, and to produce to such surveyor any books, maps, papers or other documents in his custody or possession as such authorised officer, which such surveyor may require for the purpose of carrying this Act into execution; at which time and place every such authorised officer shall attend upon such surveyor accordingly, and to aid and assist him in the execution of this Act.

Boundaries of wards, etc., to be ascertained and marked.

7. (1) Such surveyor appointed as mentioned above accompanied by the authorised officer of the ward, the reputed boundaries of which are to be defined and marked out, and by the authorised officer of any ward adjoining thereto, may visit and inspect the boundaries of such quarter, ward or county, for the purpose of surveying, ascertaining and marking the same; and for that purpose such surveyor or authorised officers may require any inhabitant of any such quarter, ward or county, to assist them in so doing; and when it appears to such surveyor that the reputed boundaries of any such quarter, ward or county are sufficiently ascertained, such boundaries shall be marked out by such surveyor in such manner as may be necessary, by the putting down of any posts, blocks or bolts of wood, metal or stone, or by the affixing of any mark on or against any church, chapel, bridge, house or private building or post, or by the doing of any other act, matter or thing which may be necessary, and with such distinguishing letters or figures as such surveyor thinks fit and proper for the occasion.

Section not to affect boundaries or rights of property.

(2) Nothing done in pursuance of this section shall be deemed to extend, define, alter, enlarge, increase or decrease, or in any way to affect any boundary of any division, quarter, ward or county, city, town, borough or other place, howsoever the same may be respectively known or called, nor the boundary of any land or property in relation to any owner or claimant to any such land, nor to affect the title of any such owner or claimant respectively in or to or with respect to any such land or property, but all the right and title of any owner or claimant of any land or property whatever within any division, quarter, ward or county, city, town, borough or other place shall remain to all intents and purposes in like state and condition as if this section had not been passed; any description of any such land with reference to any such division, quarter, ward or county, city, town, borough or other place or otherwise, or anything contained in this section or any law, custom or usage to the contrary notwithstanding.

Minister may order demarcation of lands under this Act.

8. (1) The Minister may by Notification direct that the boundaries of lands within such limits as are defined in the Notification shall be demarcated under this Act.

(2) After the expiration of seven days from the publication in the *Gazette* of the Notification, the Director of Surveys or a Licensed Land Surveyor authorised in writing by him in his behalf (hereinafter called "the surveyor") may enter upon all lands situated within the defined limits and make all enquiries and do or cause to be done all things necessary for the demarcation of the boundaries of such lands.

(3) The surveyor shall cause a notice to be served on the owner and occupier, if known to him, of any land to be surveyed and any land abutting thereon, of his intention to proceed with such survey, and in the event of the owner or occupier being unknown a copy of such notice shall be placed on some conspicuous part of the land at least three days before proceeding with the survey. The surveyor may by notice require any person connected with the user, management or cultivation of any such land to attend personally or by his agent at such place and time as are stated in the notice for the purpose of pointing out the boundaries of the land or of affording such assistance and information as are needed for the purposes of demarcation.

(4) The surveyor shall after making such enquiry as he thinks fit survey the boundaries of the land and shall mark the corners and boundaries so defined in the manner prescribed in the Rules for the survey of State Lands made by the Minister under the Land Surveyors Act. Ch. 58:04.

General plan of survey to be prepared and submitted for approval of Director of Surveys.

9. (1) On completion of the survey a general plan of the lands surveyed shall be prepared on which the bearings and lengths of all the boundaries shall be shown and also the area of each parcel; and such plan shall bear upon it the signature of the surveyor and shall be subject to the approval of the Director of Surveys who may cause such modifications thereof, as he thinks fit, to be made.

Plan to be open to inspection and objections by persons interested.

(2) A copy of the plan as finally approved by the Director of Surveys shall be exhibited for public inspection in the office of the authorised officer for the area in which the lands are situated, and another copy shall be exhibited for public inspection in the office of the Director of Surveys in Port-of-Spain, and a notice shall be published once a month for three months in the *Gazette* and in one daily newspaper published and circulating in Trinidad and Tobago, informing all persons interested that such plan is open to inspection during official hours, and requiring any persons who have any objections to make to any boundary as laid down therein to forward to the Director of Surveys a written statement of such objections before a certain date which shall be six months from the date of publication of the first notice.

Method of taking objections to plan of survey.

10. (1) At any time within six months after first publication of the notice referred to in section 9 any person claiming that his rights are affected by the said plan may lodge in writing with the Director of Surveys an objection to the same or any part thereof. All such objections shall be referred to the surveyor who is responsible for the surveys and plan and he shall forthwith report in writing thereon to the Director of Surveys. If the Director of Surveys considers the objection well founded he shall cause the plan to be rectified accordingly.

(2) Any person who lodges an objection under subsection (1) may within thirty days after lodging his objection with the Director of Surveys or within such extended time as may be allowed by the Court or by a Judge in Chambers apply by a petition to the High Court to have the said plan rectified; and the High Court shall hear and adjudicate upon all such applications; and for the purpose of so hearing and adjudicating thereupon, shall give directions as to notice of the application and of the hearing thereof to be given to persons liable to be affected by the same; and shall finally determine to what extent and in what manner the said plan shall be amended, if at all; and shall make such orders as may be just as to the cost of hearing such objections.

(3) Except with the leave of the Court for cause shown, no objections to the plan shall be entertained save such as have been lodged as provided by section 9.

Determination of objections by the High Court.

11. After the High Court has heard and determined all objections as provided above, the plans as amended as mentioned above shall be forwarded by the Registrar of the High Court to the surveyor for alteration in accordance with the orders of the Court, if any; and after the last of such alterations the surveyor shall transmit the plan to the Director of Surveys.

Plan to be submitted for approval of Parliament. [16 of 1962].

12. (1) If no objection to the said plan is lodged within the time prescribed as mentioned above, or if objection is lodged and no proceedings are taken within the prescribed time or such extended time as may be allowed by the Court or a Judge, or if the said plan is amended by order of the High Court, the Director of Surveys shall transmit the plan as finally approved by him to the Minister, who shall lay the same before Parliament. Upon the said plan being approved by resolution of Parliament, it shall be deemed to show the correct boundaries of the parcels in the area surveyed as shown on the said plan.

(2) In this section "Minister" means the Minister responsible for Surveys.

Plan approved by Parliament to be evidence of boundaries of parcels shown therein.

13. The plan so approved or any copy thereof certified to be a true copy by the Director of Surveys shall be admissible in evidence in all Courts, and shall be conclusive evidence of all boundaries of the parcels in the area surveyed as shown on the said plan.

Owners of land to maintain landmarks defining their boundaries.

14. (1) Every owner of land, the boundaries of which have been defined under this Act and are shown on the approved plan, shall maintain undefaced and in their proper positions and clear of vegetation so as to be visible at all times all landmarks placed by the surveyor to define the said boundaries.

(2) Any owner of land who fails to maintain in the manner required by subsection (1) the landmarks placed to define the boundaries of his land is liable on summary conviction to a fine of four hundred dollars.

Removing or defacing boundary marks, etc.

15. Any person not duly authorised who knowingly and wilfully takes away, removes, displaces or alters the situation of any boundary stone, post, block, bolt or mark which are set up and placed for the purposes of this Act, or who knowingly and wilfully defaces, mutilates, breaks or destroys any such boundary stone, post, block, bolt or mark, is liable on summary conviction to a fine of four hundred dollars.

Obstructing survey, etc.

16. Any person who wilfully obstructs, hinders, assaults or resists any surveyor in the execution of his duty under this Act, or any authorised officer, workman or other person, acting in aid of such surveyor, is liable on summary conviction to a fine of four hundred dollars.

Allowances to parties, etc., attending to point out boundaries.

17. Any person (other than an authorised officer) who, in pursuance of notice from any surveyor, attends in the company of any such surveyor in the ascertaining, surveying and marking out boundaries of any division, quarter, ward or county under this Act is entitled to receive for his trouble and loss of time such sum of money or allowance as the Minister thinks fit for every day during which such person is employed by or engaged with such surveyor in the execution of this Act, upon a certificate to be signed by such surveyor.

Payments for damage.

18. The amount of compensation for any damages sustained by the owners or occupiers of land, or owners of trees, as mentioned above, together with the costs, if any, awarded against any surveyor, and the allowance to be made to other persons as mentioned above, shall be a charge on the Consolidated Fund and no surveyor shall be held personally liable for such compensation, costs or allowance.

Supervision by Director of Surveys.

19. All acts, matters and things which any surveyor is authorised to do under the authority of this Act shall in all cases be subject to the supervision and control of the Director of Surveys.